

McNamara Declaration

Exhibit 38

part 1

Sherry argov

Subject: Re: DMCA TAKEDOWN NOTICE Archive.org

Archive.org simply had no right to create digital files for my work. They had no right to allow these free files to be downloaded-- without permission from the copyright holder. I am still struggling to understand how Archive.org could be so reckless and destroy my livelihood and not have any system in place to verify which books are in the public domain and which are protected by

copyright. My copyright and trademark logos were displayed on the covers, and inside the book, and there is no excuse for the massive file creation policies, or dissemination of protected works.

I believe that Archive.org needs to do much more to make me whole.

I need to hire a professional company to monitor my copyright 24 hours a day, so that my career is not in ruins. I believe that Archive.org should pay for this cost, and the legal fees. This will not make me whole for all the royalty earnings I lost which are in the millions. I have to live with the fact that I will never be properly compensated or receive fair market value for my bestselling book and that my success was stolen from me. I believe I lost 75% of my income because my work was given away for free on the internet.

Please let me know if Archive.org will pay for a service to block the widespread abuse of my copyright and trademark. I'd also like my legal fees to be paid. If Archive.org agrees to do this in good faith, I will consider settling this matter without asking for reimbursement of my lost income. There is no way that I can accept the massive amount of damage caused to me, and I think its very appropriate for Archive.org to incur these costs to make me whole.

Sherry Argov

From: Chris Butler <[REDACTED]@archive.org>

Sent: Wednesday, November 8, 2017 4:12 PM

To: Sherry Argov

Subject: Re: DMCA TAKEDOWN NOTICE Archive.org

Hi Sherry,

Thank you for our conversation and for identifying these items. They have now been disabled.

<https://archive.org/details/whymenlovebitch00argov>

<https://archive.org/details/whymenlovebitch01argov>

I am submitting a request to Google to update their search listings for these two URLs and the one reported earlier.

In searching for the title of your book ("Why Men Love Bitches") and name ("Argov") on Google and on our own site, I do not find any further instance of the text.

I don't see any records about these items that indicate that they were selected by an external library. It seems likely they were rather donated to the Internet Archive with a batch of books, possibly as a drop-off from a private individual or bulk donation of books from an institution provided as a general donation.

Again, thank you for the call and information provided.

Sincerely,

Chris Butler

Office Manager

Internet Archive

300 Funston Avenue

San Francisco, CA 94118

[REDACTED]
archive.org

On 11/8/17 2:48 PM, Sherry Argov wrote:
Chris,

Thank you for your time on the phone. Below please find a formal DMCA take-down notice so we both have a copy for our records that I have formally notified Archive.org to remove my content from its site.

This notice is being sent under penalty of perjury pursuant to 17 U.S. Code § 512 of the Digital Millennium Copyright Act. My name is Sherry Argov. I am the bestselling author, copyright owner and trademark owner of the bestselling books Why Men Love Bitches© (trademark # 3,146,007), and Why Men Marry Bitches© (trademark # 3,413, 164), and I own the copyright for the cover jacket and interior text, and a trademark for the title and the artwork. I declare under penalty of perjury that I am the author, copyright owner in all languages, and the trademark owner, that I am authorized to make this DMCA request. In our conversation, you stated that although the original PDF may have been uploaded by a user, and that once it was uploaded, Archive.com then created and uploaded 10-20 digital formats including Kindle, Epub and text files which were then downloaded by people visiting your site. You advised me that the "lending" copies were created by manually pulling apart the paperback editions you received from a library. You informed me that Archive.com takes the paperback edition apart, scans each of the pages, then uploads the book to your site allowing users to borrow the book and read it on their Adobe device.

This letter is official notification under Title II of the US Copyright Law, Section 512(c) of the Digital Millennium Copyright Act ("DMCA"). As mandated by DMCA, this notice informs you in good faith that your site continues to display unauthorized copyrighted content owned by myself, Sherry Argov. Your site displays 10-20 different digital formats, and I require that all book files be immediately removed (lending or free downloadable files alike). Please take down and disable all Jpegs of the cover, book detail pages, thumbnails, and infringing copies of my work. Please remove and disable all files in every category (Library, Daisy, etc) so that my books are nowhere on your site. The files on your site infringe on my copyright and trademark and were uploaded, duplicated and disseminated by Archive.org, without ever obtaining authorization from the copyright owner.

Pursuant to Title II of the DMCA the provisions of Section 512(c), I hereby request the immediate removal of the URLs below. This includes all remaining hyperlinks, URLs, Jpeg photographs, thumbnails, captions or titles, and search terms from appearing anywhere on your site (all pages should be disabled, not redirected to your main page). We spoke about the digital files that were created without permission and then formatted for disabled persons. Because of the lack of oversight and the duplication of files into other formats you described, I do not grant permission for any formats to remain on your site including for Daisy or similar editions. Please block any future uploads from re-occurring.

After having received this letter you are obligated under law, as a service provider to remove and to prevent access to the infringing materials, and the infringing URLs are below. I look forward to hearing from you to confirm my intellectual property is removed completely, and I request that you take the aforementioned remedial steps before the close of business.

Thank you in advance for emailing me the name of the library who gave you my paperback book that you scanned and then uploaded to create your digital files. I will contact them with a DMCA notice to advise them that this activity was unauthorized. Thank you for your urgent attention to this matter.

Electronically Signed:
 s/Sherry Argov
 Sherry Argov, Author, Owner
 PO BOX 91298
 LOS ANGELES, CA 90009

From: Sherry Argov
Sent: Wednesday, November 8, 2017 12:18 PM
To: [REDACTED]@archive.org
Subject: Fw: Additional URLs that need to be disabled on Archive.org

Chris,

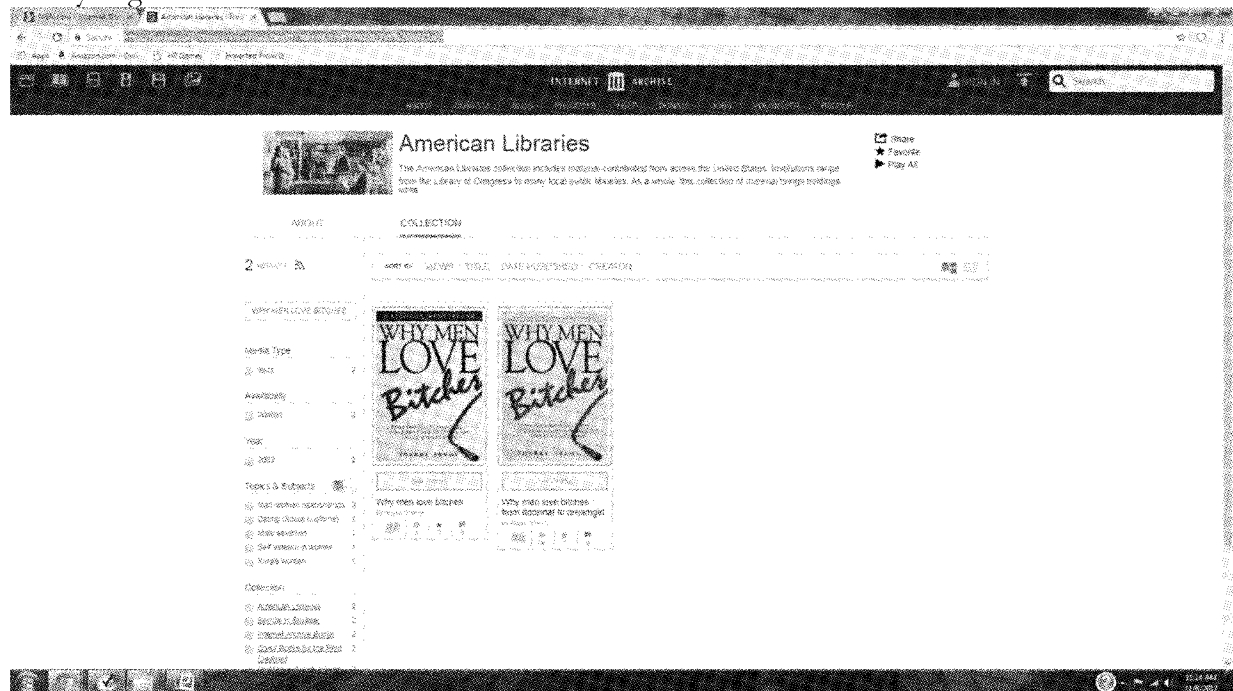
Below are additional pages/URLs that I found on Archive.org that should be removed, because all re-direct users to the list of 13 free full length downloadable editions. The URLs do not include the 13 Free files (PDF, Kindle, Epub, Text) which have their own archive.org URLs (encrypted and un-encrypted) which should also be disabled.

In essence, my work should not appear on your site. In light of the widespread infringement, I would ask that you place a block on the search terms permanently since its likely that one of the users who downloaded the content will upload it again.

Thank you very much for your attention to this matter.

Best,

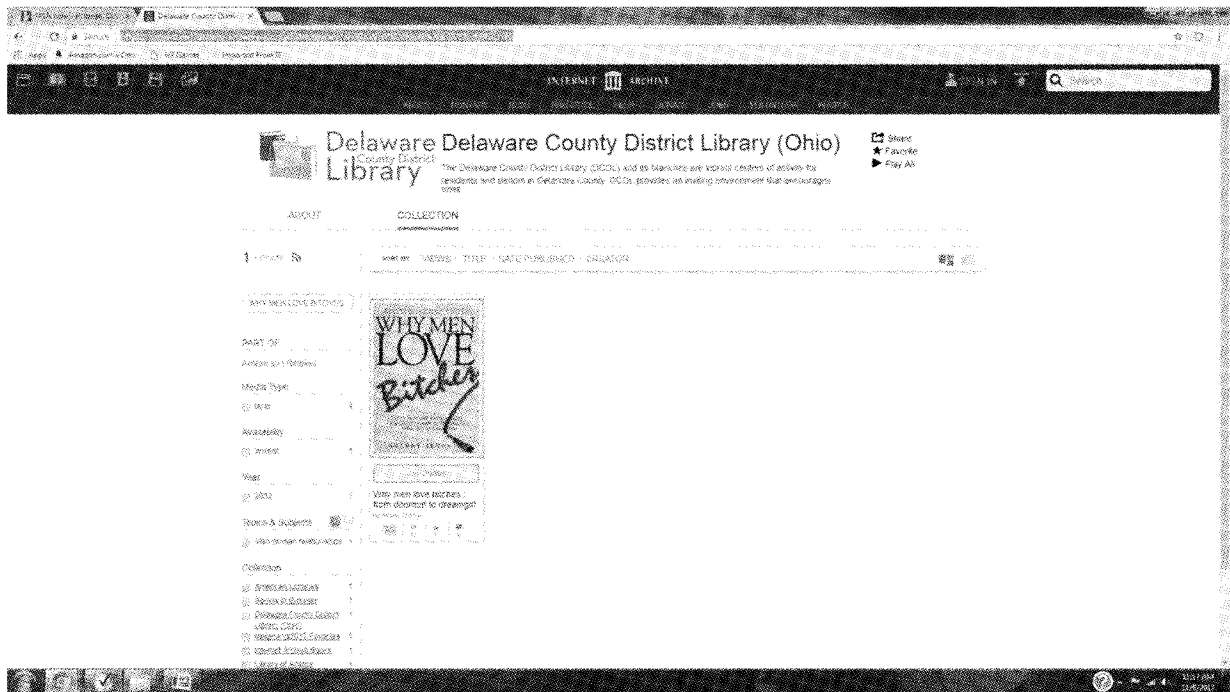
Sherry Argov



<https://archive.org/details/americana?and%5B%5D=WHY+MEN+LOVE+BITCHES&sort=-downloads>

American Libraries : Free Books : Free Texts : Download & Streaming : Internet Archive
 archive.org

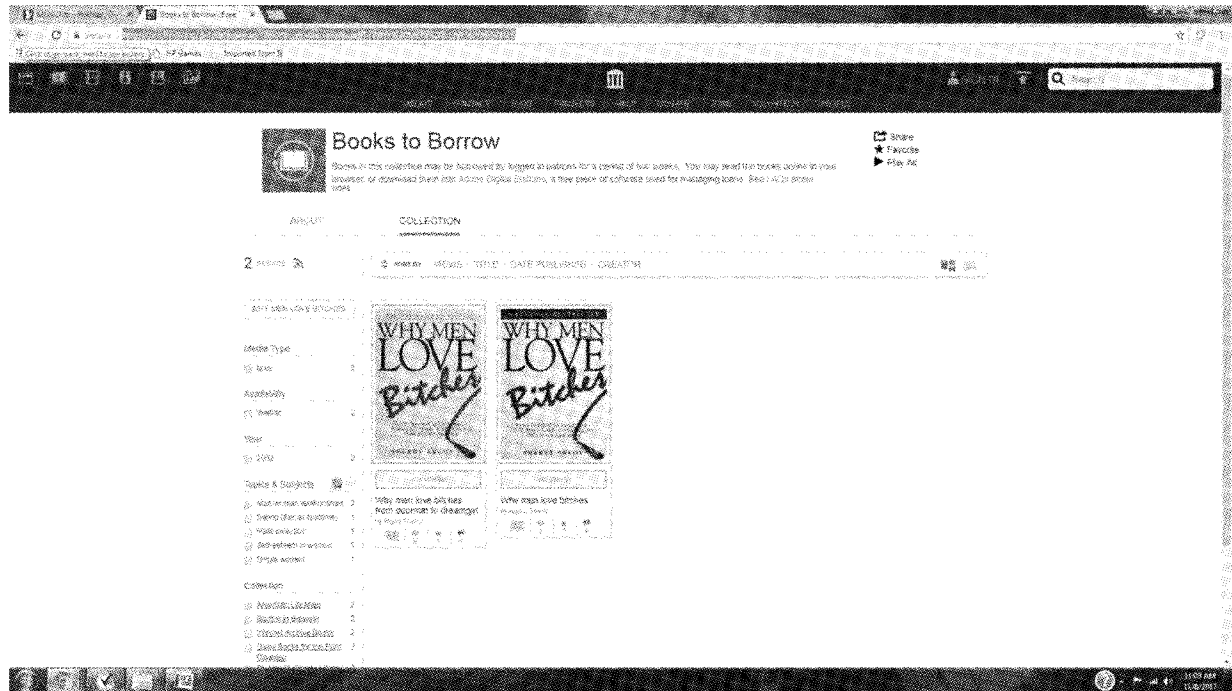
The American Libraries collection includes material contributed from across the United States. Institutions range from the Library of Congress to many local public libraries. As a whole, this collection of material brings holdings that cover many facets of American life and scholarship into the...



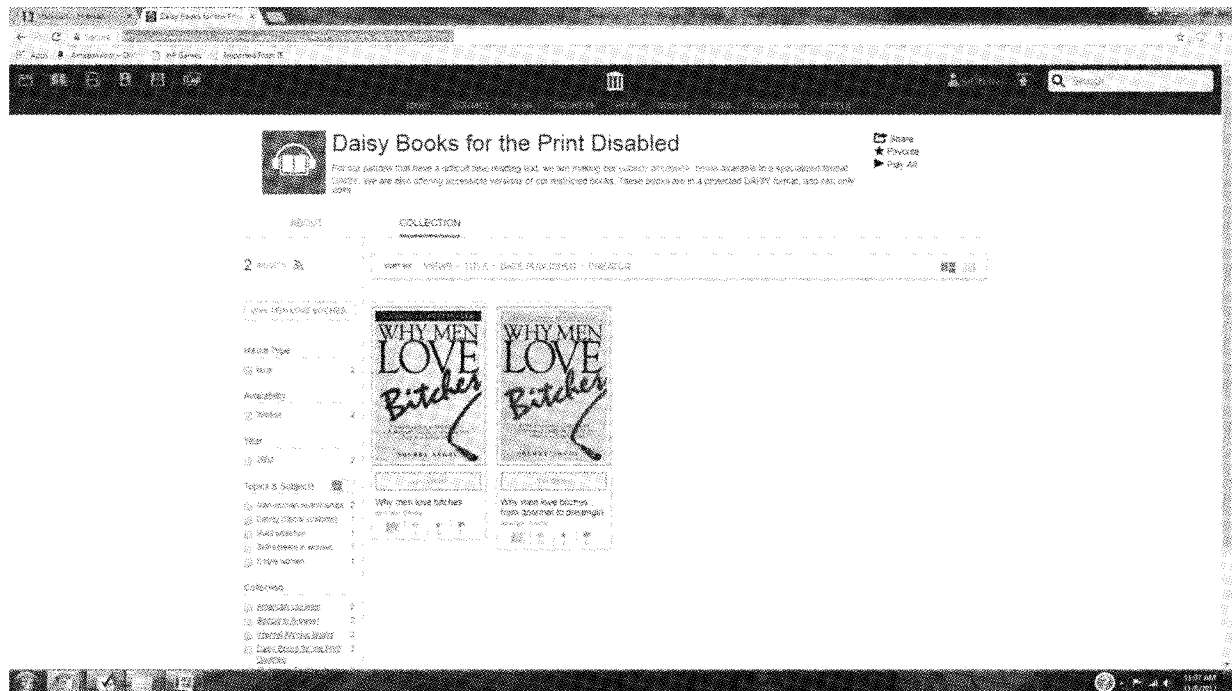
[https://archive.org/details/delawarecountydistrictlibrary?and\[\]=WHY%20MEN%20LOVE%20BITCHES](https://archive.org/details/delawarecountydistrictlibrary?and[]=WHY%20MEN%20LOVE%20BITCHES)

Delaware County District Library (Ohio) : Free Texts : Download & Streaming : Internet Archive
archive.org

The Delaware County District Library (DCDL) and its branches are vibrant centers of activity for residents and visitors in Delaware County. DCDL provides an inviting environment that encourages reading, learning, community discussion, and supports lifelong discovery. We are proud to be recognized...



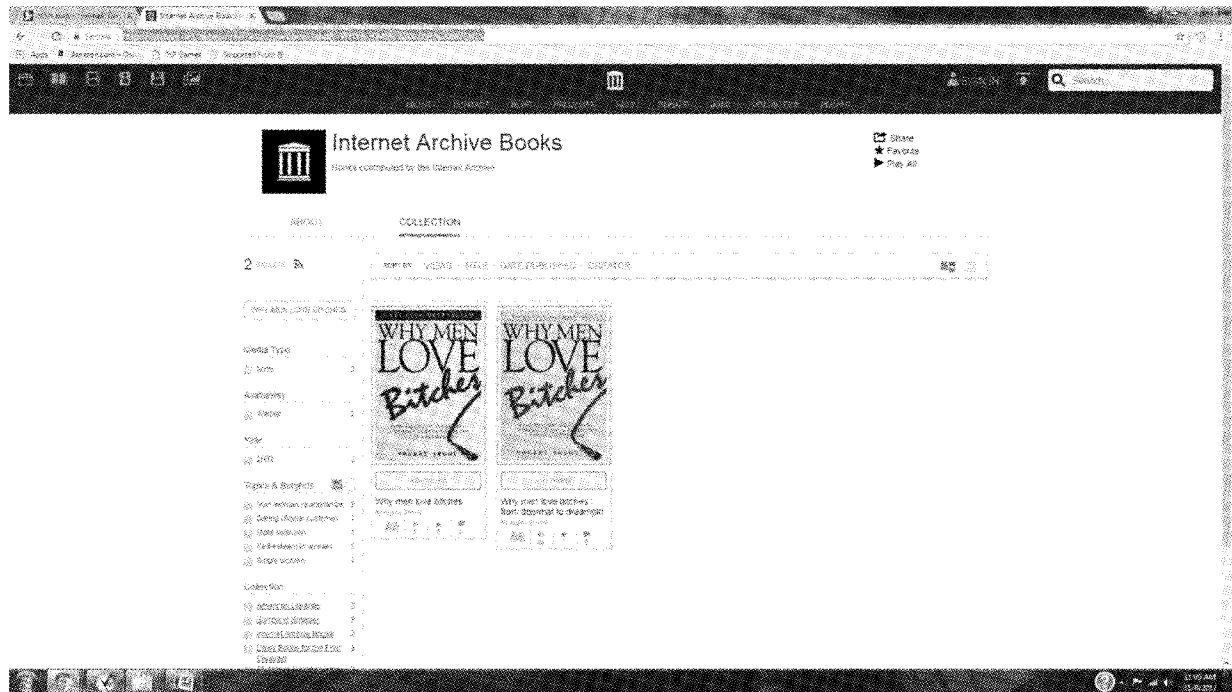
[https://archive.org/details/inlibrary?&sort=-downloads&and\[\]=WHY%20MEN%20LOVE%20BITCHES](https://archive.org/details/inlibrary?&sort=-downloads&and[]=WHY%20MEN%20LOVE%20BITCHES)



[https://archive.org/details/printdisabled?and\[\]=WHY%20MEN%20LOVE%20BITCHES](https://archive.org/details/printdisabled?and[]=WHY%20MEN%20LOVE%20BITCHES)

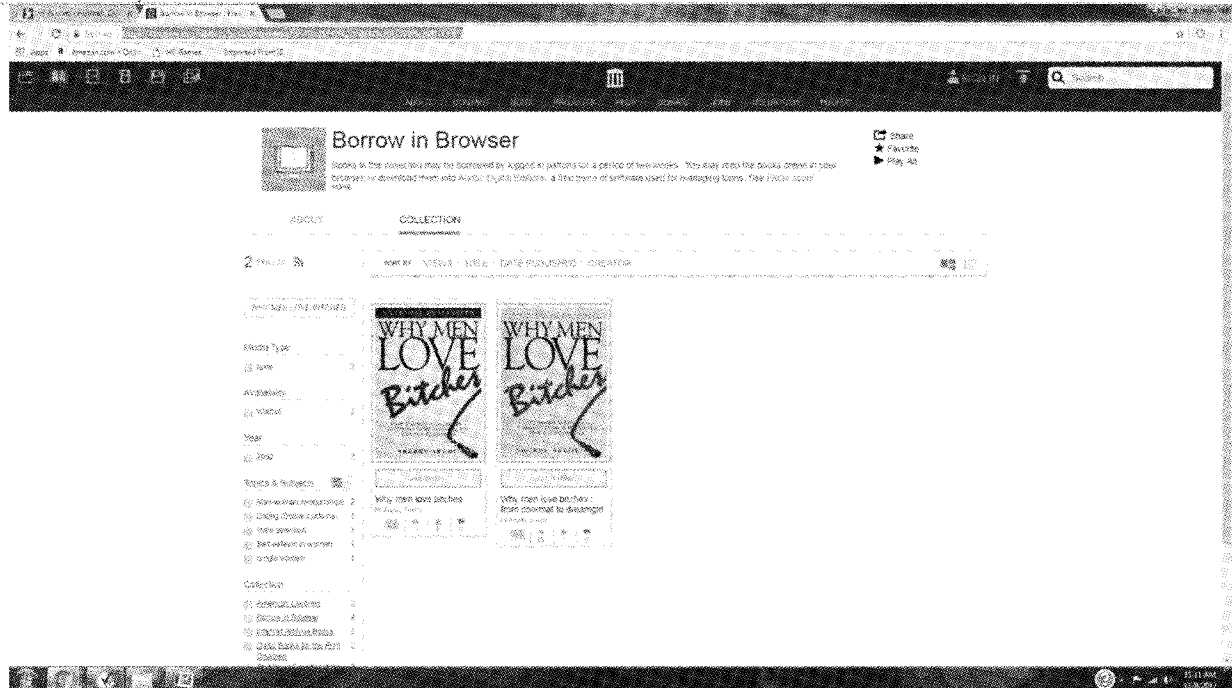
Daisy Books for the Print Disabled : Free Books : Free Texts : Download & Streaming : Internet Archive
archive.org

For our patrons that have a difficult time reading text, we are making our publicly accessible books available in a specialized format, DAISY. We are also offering accessible versions of our restricted books. These books are in a protected DAISY format, and can only be read on compatible reading...



[https://archive.org/details/internetarchivebooks?and\[\]=WHY%20MEN%20LOVE%20BITCHES](https://archive.org/details/internetarchivebooks?and[]=WHY%20MEN%20LOVE%20BITCHES)

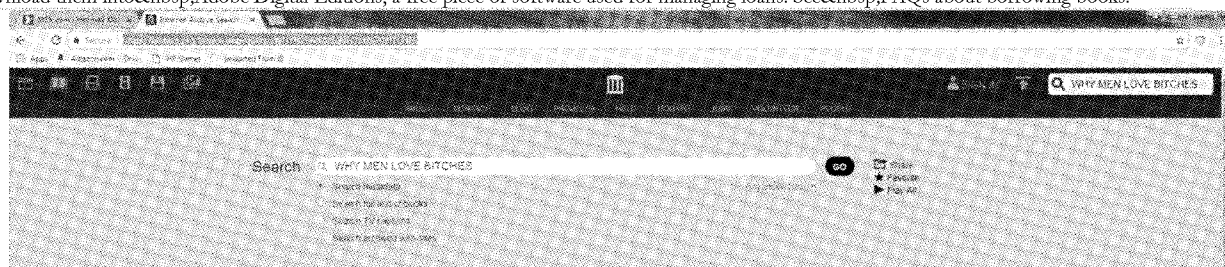
Internet Archive Books : Free Texts : Download & Streaming : Internet Archive
archive.org
Books contributed by the Internet Archive.



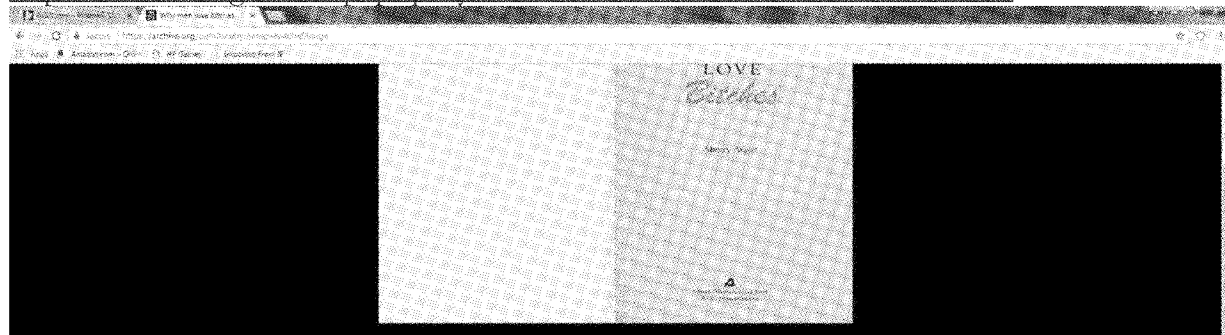
[https://archive.org/details/browserlending?and\[\]=WHY%20MEN%20LOVE%20BITCHES](https://archive.org/details/browserlending?and[]=WHY%20MEN%20LOVE%20BITCHES)

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<https://archive.org/search.php?query=WHY%20MEN%20LOVE%20BITCHES>



Why men love bitches : from doormat to dreamgirl : a woman's guide to holding her own in a relationship
by Arjo, Arjo.

Publication date 2002
Topics: Mass culture--Vocational--Social.
Publisher: Arjo, Arjo. - Arjo, Arjo. - Arjo, Arjo.
Collection: Arjo, Arjo. - Arjo, Arjo. - Arjo, Arjo.
[Digital] [Arjo, Arjo. - Arjo, Arjo. - Arjo, Arjo.]
Contributor: Arjo, Arjo. - Arjo, Arjo. - Arjo, Arjo.
Language: English.

Bookplate: 0002
Brand: 0002
Sound: 0002
Camera: 0002
City: 0002
Dancer: 0002

Expanded: 0002

68 Borrows
1 Favorite

DOWNLOAD OPTIONS

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PDF (Arjo, Arjo. - Arjo, Arjo. - Arjo, Arjo.)

PDF (Arjo, Arjo. - Arjo, Arjo. - Arjo, Arjo.)

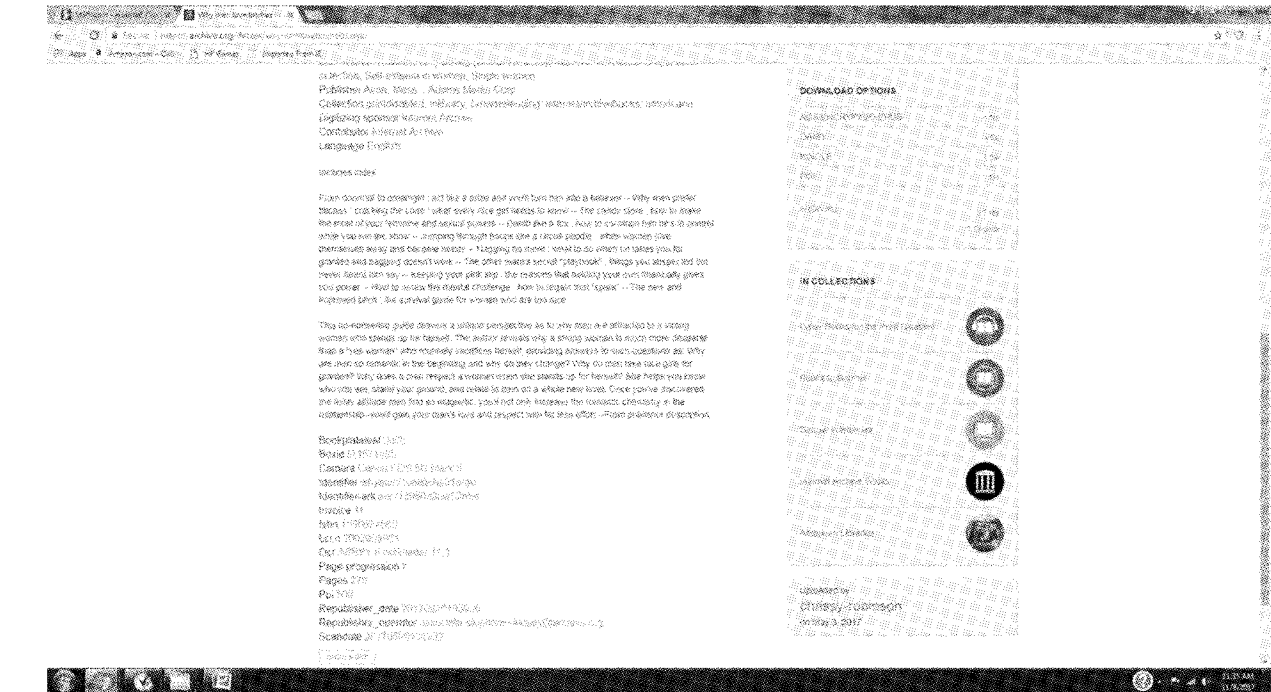
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PDF (Arjo, Arjo. - Arjo, Arjo. - Arjo, Arjo.)

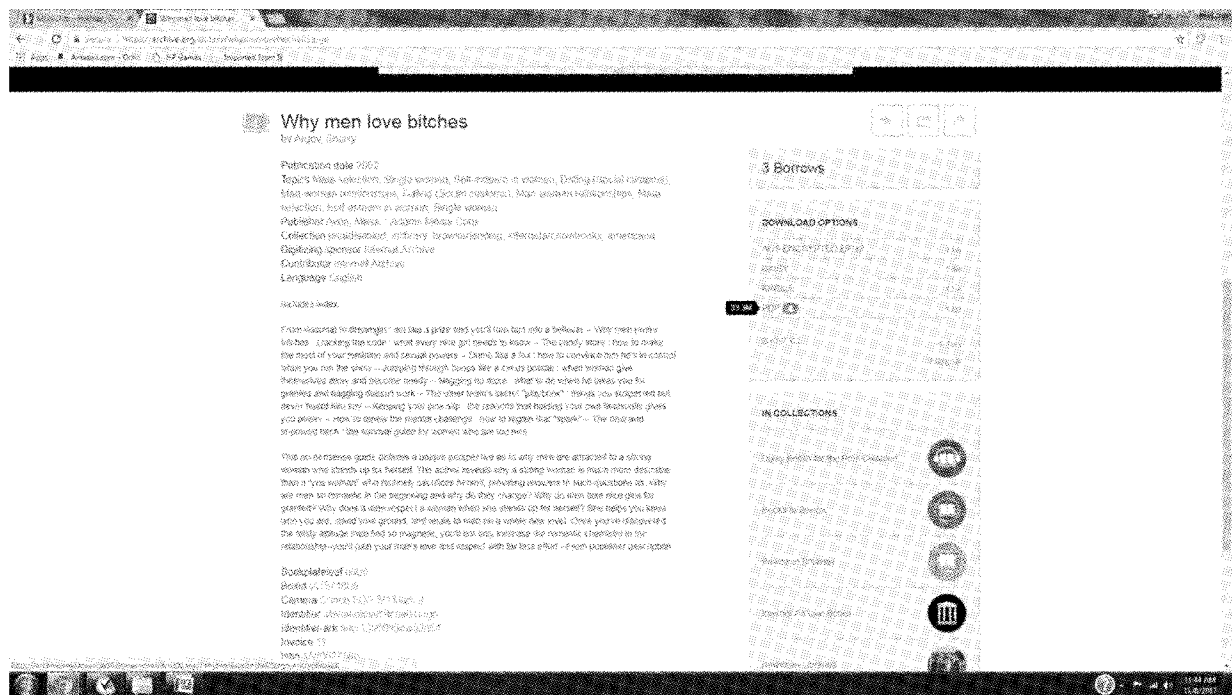
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PDF (Arjo, Arjo. - Arjo, Arjo. - Arjo, Arjo.)

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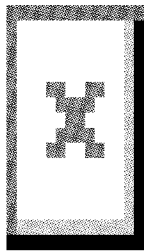


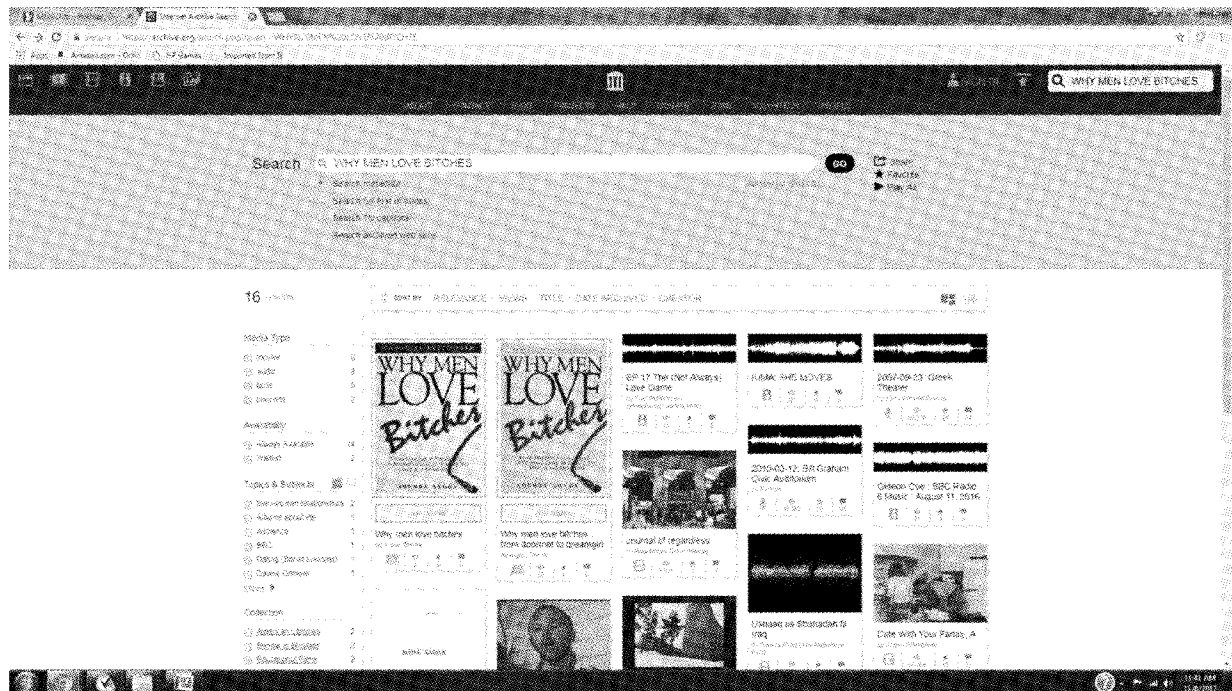
INTARC00409231



<https://archive.org/details/whymenlovebitch01argo>

Why men love bitches : Argov, Sherry : Free Download & Streaming : Internet Archive
archive.org
Includes index





<https://archive.org/search.php?query=WHY%20MEN%20LOVE%20BITCHES>